

Docket No. 13364



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Martin J. Patko
 Michael H. Burnam
 Lisa A. Tam
 James H. Dabney

Serial No.: 09/752,502

Filed: December 28, 2000

Title: PORTABLE CO-OXIMETER

Priority: N/A

DECLARATION CLAIMING SMALL ENTITY STATUS

As an assignee in and to the above identified invention and application, I hereby declare that I qualify under 37 CFR 1.9(c) and (d) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention set forth in the application identified above.

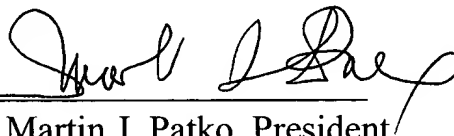
I have not assigned, granted, conveyed or licensed, and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

I acknowledge my duty to file, in this application or in any patent issuing thereon, notification of any change resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the issue fee or any maintenance fee

due after the date on which the status as a small entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Assignee: STAT-Chem Inc. (a California Corporation)
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Signature of Assignee: 
Martin J. Patko, President
STAT-Chem Inc.

Dated: January 31, 2004.